

REMARKS

The present amendment is submitted in response to the Office Action dated March 8, 2007, which set a three-month period for response, making this amendment due by June 8, 2007.

Claims 1-10 are pending in this application.

In the Office Action, claims 2, 4-5, and 8-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-0 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,641,634 to Reich et al.

In the present amendment, the specification has been amended to add a cross reference to the related priority document, to add standard headings, and to delete reference to the claims.

The claims were amended to address the rejections under Section 112, second paragraph. With regard to claim 10, element 46 is simultaneously the cooling exhaust air duct and the connecting duct to the dust box 50.

Turning next to the substantive rejection of the claims, the Applicant respectfully submits that the cited reference to Reich et al does not disclose all of the features of the pending claims, in particular, independent claim 1.

Claim 1 defines that "*cooling exhaust air flows out of the suction connecting piece (42)*". In Reich, there is no cooling exhaust air flowing out of the suction connecting piece of the power tool, rather only dust evacuation air which is generated by an additional dust fan wheel. Both fan wheels operate separately from one another.

Furthermore, Reich only utilizes the dust fan wheel for accelerating the dust particles into the dust box. As can be seen from the figures in Reich, only one input into the dust box and only one output of the power tool are provided. The motor cooling fan wheel is positioned close to the motor and the dust fan wheel further below close to the grinding wheel. Usually, there is a considerable distance between the two fan wheels.

In contrast, with the present invention, both of the air streams are combined, whereby the dust air streams works as a pressure pump inside the dust box and the cooling air stream works as a vacuum pump (see page 2, lines 10-13) on the outer surface of the dust box, amplifying the power of dust extraction in general and especially within the dust box.

Because Reich fails to disclose all of the features of claim 1, the rejection under Section 102 must be withdrawn. Reich be an appropriate reference either under, MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in Applicant's claim, or under MPEP section 2143.03, since not all of Applicant's claim limitations are taught or suggested. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984).

For the reasons set forth above, the Applicant respectfully submits that claims 1-10 are patentable over the cited art. The Applicant further requests

withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700